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BY THE HOUSE OF DELEGATES,

February 17th, 1860.

500 copies ordered to be printed.

TESTIMONY

IN THE CASE OF

JUDGE STUMP

BEFORE A

JOINT COMMITTEE OF THE LEGISLATURE.

TESTIMONY

IN THE CASE OF JUDGE STUMP.

OATH ADMINISTERED.

The evidence which you shall give before us, the Committee on the part of the Senate and the Committee on the part of the House of Delegates of Maryland, to whom has been referred the memorial in reference to the removal of Henry Stump, Judge of the Criminal Court for Baltimore city, shall be the truth, the whole truth and nothing but the truth, so help you God.

Thomas Creamer sworn.

1st. Are you or not acquainted with Judge Stump?

Answer. I am.

2d. Do you or not reside in the city of Baltimore, and have you not been the Sheriff of said city for the past two years?

Answer. I do reside in the city of Baltimore, and was Sheriff of said city from the 30th of November, 1857, to the 23d of November, 1859.

3d. Do or you not know that Judge Stump is in the habitual use of intoxicating drinks during the period of the day when his Court is in session, if so, state the particular occasions when you saw him intoxicated, and whether or not it is usual for him to sit on the bench in a state of intoxication, and to adjourn his Court for an unusual length of time to indulge in drinking, to the great injury of the public business, and is he or is he not, at times, vulgar and undignified in his demeanor on the bench?

Answer. I have seen him drunk on the bench in the trial

of cases repeatedly; his demeanor on the bench is at times undignified and vulgar. At one time I heard the judge, who had before him two women who had been fighting; it appeared that one of them called the other a "whore," he told them that if they came back again he would send them to jail where they could not whore any, and he repeated it two or three times in course language. I have frequently remonstrated with him about drinking, and he has said that when he eat and drank it did not hurt him, but when he only drank he got most d——d drunk; he was drunk on the bench during the trial of Maurice Gidelman and at other times, but the particular cases I cannot now bring to mind. He often adjourns the Court for an undue length of time to the neglect of his official duties.

4th. Has not the said Judge frequently given you instruction as to what should be done by you in respect to the violation of Sunday liquor law, and also in reference to presentments of persons for keeping bawdy-houses, both as to your course with those presented the first time and as to all subsequent presentments of the same parties. Give all the information that you have in regard to the fines which were imposed for keeping bawdy-houses?

Answer. He instructed me to fine all persons indicted for selling liquor on Sunday twenty dollars and costs for the first offence, and for all subsequent offences during the same year to settle upon payment of the costs, and he refused to do otherwise when I have, in some cases, requested him to put on an additional fine. He gave the same instructions in relation to the disposal of presentments of women for keeping houses of ill fame, saying that he could not delegate to me his powers, but any fine I put upon them he would sanction, and that I must settle them in my office so as not to let the women bother him. In one case Mr. Benjamin F. Nalls, of the grand jury, made every effort to break up a bawdy-house that had been opened opposite his dwelling; both of us called the Court's attention to it as a bad case, but the Judge declined to fine the keeper a second time during the year, and the grand jury were unable to break up the house.

5th. Have you or not any knowledge of the conduct of said Judge as to empannelled juries, if so, state fully his conversations to you on this subject when you informed him that some of the jurymen were drunk.

Answer. On two or three occasions I have observed some of the jurors come into Court drunk, and on one occasion requested the Judge to discharge one of them; he declined to do so, saying that some men must drink a little. I have also remonstrated with him about letting the jurors have liquor when he sent them to Sherwood's hotel, but he said I must not be hard on them, and still permitted them to have liquor,

when at the same time he said he noticed one of them to come into Court drunk.

6th. Have you any knowledge of the number of presentments under the Sunday liquor law, and for keeping houses of ill fame, how many were settled by order of said Court without being brought to trial, and what proportion were second presentments?

Answer. In 1859 about 150 for violations of the Sunday law, and about 260 for keeping bawdy-houses; in 1858, I suppose the number was double, and presume about one-half was settled upon payment of fine and costs, the balance by payment of costs and *stetis*; I do not pretend to be accurate in this statement having no data with me except the number of presentments in 1859.

7th. State the usual course pursued in relation to forfeitures in case of bail, and whether you know of any instance of a bondsman being compelled to pay the full sum of the recognisance when forfeited or standing committed by order of the Court under the act of 1854, and what is the amount usually paid by bondsmen if the accused fails to appear, and what it costs a party who assaults another if he absent himself from trial?

Answer. I have no recollection now of ever collecting a forfeiture; they are invariably compromised on payment of a nominal fine of from 25 cents to 20 dollars and costs.

8th. State if Judge Stump keeps any minute other than the Clerk's docket of the forfeitures, or ever during your term of office gave the collection any attention whatever?

Answer. None, that I know of.

9th. State whether parties have not been permitted to offer and be received as bail who were notoriously of bad character and destitute of property, and whether these same persons have not been taken as bail repeatedly, and parties of notoriously bad character relieved upon their bond, and thereby escape punishment.

Answer. They have.

10th. State if you know any one or more against whom the States Attorney has publicly protested as bondsman in the Criminal Court, and whether the Judge proceeded to take the same party or parties as bail and released notorious offenders?

Answer. The States Attorney publicly protested against taking John Hinesly as bail for police officer Lemmon, but the Judge ordered him to be taken; I do not know this of my personal knowledge, but my deputy who was present so informed me.

Thomas Gardner sworn.

INTERROGATORIES.

1. Are you the Clerk of the Criminal Court of Baltimore?

2. Can you state the number of indictments found at the three terms of the past year, and the number of them disposed of in open Court?

3. State whether or not Judge Stump (or you for him) keeps any private Docket or memoranda whatever of the proceedings in his Court, of the presentments made or indictments found by the Grand Jury, or of the disposition made of the same, or of any orders he may pass from time to time relative to them?

4. State whether or not the Judge comes into Court at the time appointed to call the Court, or whether he delays going upon the Bench as a usual thing and thereby greatly retarding the business of the Court?

5. State whether or not he adjourns his Court for a recess, usually in the midst of the examination of witnesses, and often against the protest of the jury and counsel; for what length of time he generally announces such intermissions shall last, and whether he does or does not delay the progress of trials by absenting himself at such times much beyond the hour he named for re-assembling the Court—and whether on his return he does or does not generally show the effects of intoxicating drink?

6. State at what hour he usually adjourns for the day—whether such adjournments are or are not often against the protest of counsel and jury?

7. State what you know of his general habits, and his condition upon the Bench—and give any instance or instances, if you can, of vulgarity and intoxication whilst in the discharge of his official duties?

8. State what entries appear upon your dockets in the case of Wm. G. Ford, indicted for the murder of Wm. Burnham, and what disposition was made of the record in that case?

9. State whether or not a *procedendo* from the Court of Appeals reached your office in the foregoing case, and what directions, if any, Judge Stump gave in relation to the same?

10. State the number of days the Criminal Court was in session during the past year—and give, if you can, about the average duration of the daily sessions?

11. State the usual course pursued by Judge Stump in regard to juries, and the rendition of verdicts in his Court?

12. State whether or not there is a "*stay*" of execution still upon your dockets in the matter of bail of John Lemon, by order of Judge Stump?

13. State whether or not the Judge ever gives the business of the Court any personal supervision, by reviewing your

dockets, or the papers in any case whatever, or seeks information of you in any way as to the condition of the business of the Court, either as regards "*stets*," uncollected forfeitures, the number of presentments or indictments against any one or more persons, or concerning the character and reputation of parties on trial before him?

14. State what ever else you know concerning his misconduct in office?

ANSWERS.

1st. I do.

2nd. I am.

3d. The number of presentments and indictments found for the year 1859, is 1535. 353 in the January term, 176 in the September term, and 1086 at the May term. The number of cases disposed of in open Court, I cannot tell without close inspection of the dockets, which would require some time.

4th. He does not keep any proper docket or minute a memorandum of the proceedings of the Court, he relies entirely on the Clerk for that. He has never directed me to make a docket, and has never inspected the docket as a general thing. In the case of Coulson he inspected that particular case, but as a general thing, he never comes and asks me what cases are on the docket. In the negro case to which Mr. Creamer referred, he perhaps looked at the docket, and insisted on the entries being made in his own language.

He is usually from five to fifteen minutes behind the time appointed, sir, and sometimes longer.

He has done so during the examination of a witness against the protest of counsel and the jury.

They are always longer than the time prescribed for the reassembling of the Court, sometimes from fifteen minutes to half an hour.

Q. Have you seen him on his return under the influence of intoxicating drink?

A. Not always, I have never seen him so intoxicated as not to be able to sit up, I have seen him on his return after these adjournments under the influence of intoxicating drinks, but I have not perhaps, as good an opportunity of seeing him as others, because I sit with my back to him.

6th. From 12 to 2 o'clock, and he never, on any circumstances, sits later than 3 o'clock, and they were frequently against the protests of counsel and jury.

Q. Has he ever held an afternoon session?

A. He has never held an afternoon session during the time I have been in office, except once or twice to receive the verdict of the jury. He has never held an afternoon session

since the beginning of my term, except once or twice and that occurred soon after I entered upon my duties.

Q. Has he repeatedly refused to do so when a case was about disposed of ?

A. He has repeatedly refused to do so on the request of counsel when the case could be disposed of that day.

7th. State what you know of his usual conduct upon the bench, and give any instance that you know of his vulgarity whilst in the discharge of the duties of his office ?

A. I cannot give any specific instance of his vulgarity, I was not present at the time he interrogated that female witness, but I have been present when I thought he has acted in a rather discourteous manner to counsel. I have been present when he has acted in a discourteous manner towards witnesses and counsel. He has frequently stopped a witness off short, and on counsel rising to interfere he would order them to sit down. I have seen him on the bench when I thought under the influence of liquor, to such an extent as really to incapacitate him from business. I am never in Court on Saturdays when the assault and battery cases are being tried. Mr. Roberts is my deputy, and he can give you much more information on the point than I can.

8th. Entries produced.

Committments filed, July 16, 1858, in the case of the murder of Thomas H. Burnham, that with a pistol—presentment filed, Sept. 23, 1858, capias ordered and issued—indictment and true bill filed, September 4, 1858—same day appears in open Court and pleaded not guilty—Sept. 28, 1858, jury appears and sworn—October 4, 1858, verdict guilty of murder—jury polled, guilty of murder in the first degree—October 5, 1858, motion for arrest of judgment filed same day—motion for a new trial filed October 7, 1858—motion to strike out, &c., filed—October 8, 1858, motion for a new trial and reasons filed—same day reasons in arrest of judgment filed,—Oct. 21, 1858, evidence Nos. 1, 2, 3 filed by counsel for prisoner—Oct. 25, 1858, motion of counsel for defence overruled by Court—verdict sustained—Nov. 19, 1858, judgment and sentence of death passed by the Court as follows :—

"That you be taken back to the jail of Baltimore city from whence you came, and from thence to the place of execution, at such time as shall be appointed by the Governor, and there be hung by the neck until dead." Dec. 4, 1858, writ of error filed commanding record and transcript of proceedings to be transmitted to the Court of Appeals for Maryland, to the Circuit Court of Baltimore city.

December 8, 1858, record and transcript sent to W. A. Spencer, Esq.,—Dec. 21, transcript sent to the Governor of Maryland—Jan. 27, 1859, *procedendo* of Court of Appeals filed —Jan. 28, '59, opinion of Court filed—Jan. 31, '59, petition

of prisoner filed—Feb. 25, '59, petition of prisoner, No. 2, filed—Feb. 28, '59, the Court refuses to entertain the petition of prisoner, on the point that he has no jurisdiction as at present advised (this is the identical language used)—April 2, '59, suggestion filed by State's Attorney—May 6, '59, to withdraw suggestion filed, No. 1—same day, suggestion for removal filed, No. 2—same day, motion that the Court order the removal of the case to an adjoining county, No. 3—same day, motion that the right of *procedendo* be entered upon the entries and made a part of the docket entries—June 27, '59, ordered to be removed to the Circuit Court for Anne Arundel county, to be held at Annapolis—Nov. 26, 1859, record from the Circuit Court of Anne Arundel county, remitting the case to the Criminal Court of Baltimore city—Nov. 29, '59, ordered that the case be removed to Baltimore county, to be held at Towsonton, on the first Monday in December next—transcript sent.

9th. Not except to file a *procedendo*. He gave no other directions than to file the same. His opinion will show it. He gave no other directions than to file his opinions disregarding the opinions of the Court of Appeals.

10th. 198 days for the year 1859. For the January term the Court was in session, 72 days; May term, 56 days; and the September term, 70 days; making 198 days in all. From 10 to 1 o'clock was the average of the daily session.

11th. If a jury fails to agree, or rather if the case is submitted to the jury about 3 o'clock, and it is likely that they would be sometime in agreeing upon a verdict, the Judge will state that he will come in about 5, and if they have not then agreed, he will tell them that he will come in about 10 o'clock next morning, and send them to Sherwood's, where they can obtain refreshments.

Q. Are they in charge of any one?

A. They are in charge of a bailiff, who is sworn to take charge of them. The bailiffs lock them up and keep them there.

Q. That is the usual course?

A. Yes, sir.

12th. Yes, sir, the case for forfeiture at the last term—at the September, or rather the May term, 1859. The case is still open on its docket.

Q. You know it is in your docket that it is a *stay* of execution until the party could be brought in, which has never been done?

A. Yes.

Q. And was directed by the Judge?

A. Yes.

13th. He does not, sir. The Judge never gives any personal supervision of his dockets or papers, and seldom seeks infor-

mation as to the business of the Court, and seldom inquires into the character and reputation of the parties brought before him.

14th. I think what I have stated in the answers preceding, embraces all I know of his general misconduct in office.

Lawrence Sangston sworn.

Lawrence Sangston, a witness of lawful age being duly sworn, deposes and says, in response to the following interrogatories:

Q. Were you or not the foreman of the Grand Jury of Baltimore city during the January term of 1859. If so, state if you have any personal knowledge of the conduct of Judge Stump while on the bench during that session?

A. I was the foreman of the Grand Jury for that term, during the whole of the session which was a very protracted one, I was in daily intercourse as foreman of the jury with Judge Stump. His general bearing and demeanor during that period was undignified to such an extent as to bring his Court into contempt. At times, and not unfrequently, he was so much under the influence of liquor as to prevent him from discharging his duties, in such manner as would be creditable to himself or the position which he occupied. He was sometimes in a state of apparent stupor, and occasionally asleep upon the bench.

Q. Were you or not a member of the same jury during January term, 1858, and if so, state all your knowledge as to the conduct of said Judge while on the bench during that term?

A. The same course of conduct was pursued during January term, 1858.

Q. Do you or not know that the Grand Jury had frequently to await for Judge Stump on account of his absence during the session of said Court, and that they often had to send a messenger to hunt him up.

A. The Grand Jury went to their room at 10 o'clock, A. M., and remained in session from one and a half to two hours. On their return to the Court room, they would frequently find the Court adjourned, and would have to send a messenger round the neighborhood to hunt up the Judge.

Benjamin Robins sworn.

Benjamin Robins, a witness of lawful age being duly sworn, deposes as follows, in answer to the following interrogatories:

Q. Are you or not a resident of the city of Baltimore, and have you or not been a juryman in the Criminal Court thereof?

A. Yes, sir, I am a resident and have been a juryman.

Q. Have you or not a knowledge of the conduct of Judge Stump in the trial of any case, if so, state all your knowledge in regard to the same, as to his being intoxicated or asleep on the bench, and generally what came under your observation during the time you were a juryman in said Court?

A. I was a juryman 21 days during May term, 1859; I was on the steamboat (the Express) riot case; throughout that whole trial he appeared, according to my judgment, much intoxicated; he left his seat and went down to the window, and was there two-thirds of the time whilst the trial was going on, and was talking to himself nearly all the time—that the captain ought to have been thrown overboard—"he had no business to take negroes and white people together." This was about his condition during the time I served as juror. The only morning on which I thought him sober was on the second Monday of my term, and then I called the especial attention of another juror to it, who replied, "I came with him from Havre de Grace this morning."

John P. Poe sworn.

Interrogatory 1st. Are you or not a resident of the city of Baltimore; if so, what is your profession, and do you or not practice in the Criminal Court of Baltimore?

2d. Have you or not, as a practitioner in said Court, had occasion to witness the conduct of Judge Stump on the bench, if so, please state any facts that have come to your knowledge as to his demeanor on the bench, his mode of conducting the business of his Court, and any other facts relating to his misconduct in office?

ANSWERS.

1st. I am a resident of the city of Baltimore, a member of

the bar, and a practitioner in the Criminal Court of Baltimore city.

2d. I have had occasion to witness the demeanor of Judge Stump upon the bench, and do not hesitate to say that in my judgment it is not dignified, and very frequently rude, disrespectful and insulting to the members of the bar. I was present in Court when he announced his determination to send the record in the case of Wm. G. Ford to the Circuit Court of Anne Arundel county; his attention was then called by Milton Whitney to the decision of the Court of Appeals in the case, I believe of Emanuel Rabb, that Anne Arundel county was not a county adjoining to Baltimore city, and consequently that the Circuit Court of said county had no jurisdiction over removed cases from Baltimore city; the case was cited in open Court, and the Judge remarked that he knew of said decision, but inasmuch as the Court of Appeals had used either in a previous or a subsequent case, I do not now remember distinctly which, language which admitted of a different construction, he wanted them to settle the conflict between the two cases, though he himself knew that Anne Arundel county was not adjoining to Baltimore city.

In August, 1859, I was requested by Charles E. Phelps, Esq., a member of the Baltimore bar, to appear during his absence from the city, for a free negro, named Thomas Watkins, who had been convicted of larceny in the Criminal Court of Baltimore city and sentenced by Judge Stump, and to move for his discharge from custody, the Court of Appeals having reversed the judgment.

I accordingly went into Court and filed a motion for the negroe's discharge; the opinion of the Court was read to Judge Stump, who treated it with levity and contempt, by the acting prosecuting attorney, Robert C. Barry, Esq., who interposed no objection to the motion; but the Judge declined then to grant it, stating that he would think about it a day or two. I then called his attention particularly to the concluding paragraph of the opinion of the Court of Appeals in said case, in which they distinctly declare that the effect of the reversal is to defeat all prior proceedings in the case, but he still refused to order the prisoner's discharge, though it was manifest that there was nothing under which he could lawfully be detained.

On the following Saturday I again went into Court and expressed to the Judge the hope that a week's reflection had satisfied him of the propriety of granting the motion which I had filed. He again refused, stating that the Court of Appeals had not decided what judgment was the proper one, though they had decided that that which he had rendered was *not* the proper one. I urged upon him that his duty to discharge the prisoner was, under the circumstances, per-

fectly clear, to which he replied that he did not understand the opinion, "though you, Mr. Poe, may," and then added that if I would obtain the certificate of any one of the Judges of the Court of Appeals that they "meant the prisoner to be discharged," he would obey them, which certificate I, of course, did not obtain or attempt to obtain.

In consequence of his repeated refusal to grant the motion or to do anything in the case, application was made by Mr. Phelps to Judge Lee for a writ of *habeas corpus*, which resulted in the prisoner's prompt discharge.

Sheppard A. Leakin sworn.

Sheppard A. Leakin, a witness of lawful age, being duly sworn, deposes and says in response to the following interrogatories as follows:

Q. Do you reside in the city of Baltimore, and practice in the Criminal Court of said city?

A. I reside in the city of Baltimore, and practice in the Criminal Court.

Q. Have you or not any knowledge of the conduct of Judge Stump on the Bench—if so, state fully all you know in reference thereto?

A. I have some knowledge from practising in that Court of his conduct upon the Bench. I was counsel for a young man by the name of Reese, indicted with others for riot on the Bay, without the limits of any county and within the limits of the State of Maryland, known as the "Express rioters;" the case was tried before the Jury, and in the course of the examination of the witnesses, they spoke of riotous acts having occurred between Baltimore city and North Point. To that testimony, as counsel, I objected as not pertinent to the issue—the objection was overruled by the Court. In a subsequent part of the case, believing that the Court had misunderstood my objection, I arose again to object and to give the reasons therefore; when I commenced stating the reasons to the Judge, he arose from his seat, left the Bench, proceeded behind the jury box, leaving me standing on the floor; when that occurred there was a general laugh among the persons outside and inside the bar. I stated I had a right to be heard and would be heard in maintenance of my position, or words

to that effect. The Judge halloed from the rear of the jury box, "Go on, Mr. Whitney," or, "Go on, witness," or some such expression as that. In the course of the examination of the Captain, who was a witness against the rioters, the Judge told the Captain "it served him right," or words to that effect: that he had no right to mix white people, negroes, and bad whiskey in the same boat. He further remarked that his Court had enough to do, and he did not want to be bothered with cases down the Bay. The case of Mrs. Martha Scharf was tried on the 22nd day of October, 1859, for assault on Catharine Meeks. I was counsel for Mrs. Scharf. On the trial of that case, the prosecting witness, Mrs. Meeks, had given her testimony as to the assault upon her, as also as to what Mrs. Scharf had said to her; at the conclusion of which the Judge said—"you have told what Mrs. Scharf said to you, now tell what you said to her." The witness replied "that she said what she ought not to have said," and seemed anxious not to repeat what she had said. The Judge insisted upon an answer. She then replied—"I told her to kiss my arse," (spelling instead of pronouncing the word, and in this manner, *ass*); on hearing which the Judge said—"but you don't spell it right," at which there was a general roar of laughter. There were other females present in Court, as witnesses.

Q. Do you or not know of the said Judge being intoxicated at any time during your practice in said Court, and of his being asleep on the Bench during the sessions of the Court?

A. I have seen him several times in his Court when I believed him to be intoxicated, many times when he was under the influence of liquor. I have seen him when I believed him to be asleep in the progress of the trials of important cases, that is he was setting in his chair on the Bench with his eyes closed and his head leaning towards his shoulder.

George E. Sangston sworn.

Interrogatory 1st. Do you or not reside in the city of Baltimore, if so, were you or not a member of the grand jury of that city in 1856 and 1857?

2d. Have you or not, as a member of said grand jury, had occasion to witness the conduct, while on the bench, of Judge Henry Stump, if so, state fully all your knowledge in reference

thereto, especially in regard to his misbehavior in office, his habit of drinking during the session of his Court, and any other matters that came to your knowledge while acting in the capacity as a member of said grand jury?

ANSWERS.

1st interrogatory. I do. I was.

2d. His general bearing as a Judge was undignified, and upon one occasion during my term of service, the grand jury deemed it necessary to remonstrate with him and protest against his leniency towards the most notorious violators of the law, and his demeanor as a Judge was a matter of common remark and jest with the members of the grand jury. I never saw him on the bench in a state of intoxication, being but very seldom in the Court, and only upon occasions when the grand jury came from their room.

George E. Dodge sworn.

Interrogatory 1st. Do you or not reside in the city of Baltimore, if so, were you or not at any time a member of the grand jury of that city?

2d. Have you or not, as a member of said grand jury, had occasion to witness the conduct of Judge Stump on the bench, if so, state fully all your knowledge in reference to the same?

ANSWERS.

1st interrogatory. I do. I have been once a year for the last five or six years.

2d interogatory. During the whole period of his Judgeship he has not conducted himself with proper dignity as a Judge; I have seen him occasionally in what I supposed to be a state of partial intoxication while on the bench. In the year 1858, during the trial of the Liquor cases, which contined two or three weeks, he was evidently, to my mind, in a state of partial intoxication during the whole period.

Robert Renwick sworn.

Interrogatory 1st. Do you or not reside in the city of Baltimore, if so, were you or not in the fall of 1859, a member of the petit jury of the Criminal Court of that city?

2d. Have you or not, as a member of said petit jury, had occasion to witness the conduct of Judge Stump on the bench, if so, state fully all your knowledge in reference to the same?

ANSWERS.

1st interrogatory. He answers, I do. I was a member of the petit jury of the Criminal Court during the fall of 1859.

2d. While a juror in the case of the State, *vs* ——, a colored man, indicted for rape, the Judge was, during the progress of the trial in a state of intoxication, and while the evidence was being given, he was a portion of the time asleep on the bench; I took out my watch and noted the time he slept; it was thirty-five or thirty-six minutes, when he awoke he required the witnesses to repeat their testimony, a portion of the testimony was of a most disgusting character, and the jury having once heard it, felt compelled to remonstrate against its repetition; the judge insisted, but finally yielded, with the observation that he ought to know the facts as the case might go to the Court of Appeals.

I was present as a juror, but not on the special panel, during the trial of the Express riotors; during that trial he was in a state of continual intoxication. I heard him tell the captain of the steamboat that it would have served him right if the riotors had thrown him overboard, he deserved it for having taken white people and negroes on the same boat at 25 cents per head. During the trial he left the bench and came to the window where I was standing, and repeated the same language, adding that he had enough to do in his own district, without being bothered with cases occurring on the Chesapeake bay. During my term of service of 21 days, I think he was sober one day.

Albert Ritchie sworn.

Interrogatory 1st. Do you or do you not reside in the city of Baltimore, and are you or not a practitioner of law in the Criminal Court of said city?

A. I reside in Baltimore, and am an Attorney at Law, practising in the Criminal and other Courts of that city.

Interrogatory 2nd. Have you or not as a member of the Bar of said Court, had occasion to witness the conduct of Judge Stump whilst on the bench. If so, state fully all your knowledge in reference to any facts, showing misconduct in office, want of courtesy and dignity on the bench, incapacity from drunkenness or other causes to attend his official duties.

A. In my attendance upon the Criminal Court I have had frequent occasion to witness the conduct of Judge Stump while on the bench. His general bearing has been such as to bring discredit upon the honorable position he occupies, and his manifest want of appreciation of the solemn responsibilities which rest on him, has been mortifying to those who were obliged to contemplate it. His sad delinquencies of temper, manner and dignity, have been such as to make the just citizen alarmed, when he reflected that the issues of liberty and life were to be determined by a tribunal, whose presiding officer seemed completely destitute of every proper sense of becoming deportment, and who by his unfortunate habits was clearly incapable of discharging his sacred trusts.

I have frequently seen him come to the discharge of his duties, when he seemed to be under the influence of liquor, and occasionally have seen him, when overcome by what appeared to be the drowsiness of drunkenness, loose all consciousness on the bench, till he was suddenly startled and awakened by the gibbering merriment of a miscellaneous crowd. When off the bench, I have seen him in most public places in such a fallen state of intoxication as to become an object of ridicule to the passer-by, and bring reproach upon his official position, while the members of the profession may entertain respect for the natural abilities of Judge Stump, by the intelligent exercise of which he might have reflected credit upon himself and his office, I believe the sentiment of the Bar to be, with probably no exception, that his unfortunate habits have beguiled him of every fitness for the discharge of the important duties of Judge of the Criminal Court.

Joseph M. Peregoy sworn.

1st. Are you not a resident of Baltimore and a reporter of one of the daily papers of that city?

A. I am a resident of Baltimore city, and a reporter for the Baltimore Sun.

2nd. Have you or not been almost daily in the Criminal Court of Baltimore, and have you or not observed the general conduct of Judge Stump while on the Bench—if so, state fully all your knowledge in reference to his alleged misbehaviour in office?

A. I have been almost daily in the Criminal Court and have observed the general conduct of Judge Stump. I can say that I have frequently seen him drunk upon the bench, and have seen him go to sleep from the effects of liquor. He generally meets long after the appointed hour. If the hour is eleven, he comes in about twenty or thirty minutes after—if at ten, about the same time after. He takes recesses during the daily sessions of the Court, generally staying out half an hour—and I have known him to go an hour—and most always after the recesses he is more under the influence of liquor than when he first comes in. He is in the habit of adjourning the Court at so early an hour as not to give time to dispose of the business, and rarely of late ever sets till after two o'clock, and much oftener till over one or half past one. In the trial of the "Express rioters" he was drunk, and once went behind the jury box to sleep on a bench. In the case of Lemon, a police officer, charged with the murder of Fisher, the State's Attorney objected to John Hinesly going bail, but the Judge took him in a $1,000—and since then Lemon has never appeared, and the State's Attorney has called the attention of the Judge several times to the forfeiture, but each time he refused to do anything, and on the last occasion, said—"Hinesly had seen him and he had agreed to give him more time, as he promised to bring Lemon in." On another occasion, after the objection of the Deputy State's Attorney to take Hinesly as bail in a case, and after taking him, and when the Judge had left the bench, for an adjournment, and was standing within the bar, Hinesly remarked to him that "he had as much right to trade in bail as in horses." He has repeatedly taken Hinesly as bail since this declaration. At the close of last September term, with eight murder cases, and over seventy assaults with intent to murder, pending and untried, whilst much under the influence of liquor, he continued all of them to January term, refusing to sit any longer and try them. He has on repeated occasions, after several day's trial of murder and other cases, immediately adjourned the Court till next day, after the indictment was submitted, positively refusing to wait five or ten minutes for the jury to render a verdict if they could agree, and against the remonstrance of the State's Attorney, counsel on the other side, and the jury, many of whom were men of business; compelling the jury to remain locked up at a hotel all night; and refusing to come in during the afternoon to receive their verdict. He has, in the most pressing and important cases,

positively refused to expedite business, by holding an afternoon session, except in a very few instances. His appearance and manner on the bench is gross and undignified to the last degree; the proceedings of the Court being conducted frequently without regard to any kind of order and decorum.

J. D. Hambleton sworn.

Q. Do you or not reside in the city of Baltimore, and are you or not a member of the Baltimore bar?

A. I do reside in the city of Baltimore, and am a member of the bar.

Q. Do you or not practice in the Criminal Court of Baltimore, if so, state whether or not you have any knowledge of the general conduct of Judge Stump upon the bench, and state fully what that general conduct is?

A. For the last two or three years past, I have attended the trial of almost all important cases before the Criminal Court, and have observed generally the conduct of the Judge. During that time, and that repeatedly, I have seen him in such condition upon the bench as rendered him unfit to act; when I speak of his condition upon the bench, I mean to say that he was so much under the influence of liquor, that it was with difficulty he could keep his eyes open, and usually folded his arms upon his desk and would motion his head in seeming approval or disapproval of something upon his mind and about which he was talking to himself; when in this condition he seemed utterly careless as to what was going on around him, and the business of the Court was proceeded with almost without his participation. He usually reaches the bench some fifteen or twenty minutes after the other officers of the Court and the juries have assembled. Within the past twelve months I do not remember to have seen him make a single note of the testimony, although some ten or twelve murder cases have been disposed of before him, nor does he consent to hold an afternoon session, although urgently requested to so by the jury and all the counsel in the case. When he has been drinking in this way, it is then quite certain that witnesses and counsel will be harshly treated, I have never seen the Judge stagger upon the bench, but I think I can safely say that during the time I speak of, he has not suffered a week to pass without showing, beyond all doubt, that either the night before or in the morning before going

into Court he had been drinking to excess ; he would be sleepy and dull, and sit sometimes with his eyes closed and apparently asleep. His language at times is exceedingly vulgar ; on one occasion during the trial of Wm. G. Ford, Preston D. Parr, a merchant of our city, was summoned as a talisman, and after he had been called by the Clerk, remarked to the Judge, "I desire, sir, to be excused from serving to-day ; I have sickness in my family, and must be with them every hour." The Judge remarked, "Who is sick?" Mr. Parr replied "My wife, sir." The Judge then remarked, "She is going to be confined, I suppose?" Mr. Parr seemed much tried at the remarks of the Judge, and replied, "Yes, sir, I expect her to be confined to-day." The Judge responded, "Well, the Court thinks that is your fault, but as it is the case, I reckon I will have to discharge you." Some of the lobby roared, and decent men hung their heads in disgust and shame. I have heard similar remarks made by him on other occasions, but as I am not so sure of the precise language as I am of the above, I will not mention it, for fear of doing him injustice to repeat them now. His remarks to Mr. Parr made a lasting impression upon me. During the argument of a motion for a new trial in the case of Robinson, his counsel spoke for nearly an hour, and was compelled to stop in the midst of it and ask the Judge if he was giving the matter any attention. He was sitting with his eyes closed, his head reclining upon the back of the chair, and did not at first hear the counsel, but starting suddenly, required him to read that (the authority) over again. In the trial of the Express rioters he was drunk—there can be no mistake about that, and several times during the progress of the trial, and when I would happen in to see and hear, he would be at the window looking out, talking about negroes and whiskey, and white people being on the same boat, and once I found the counsel for the prisoners standing with an authority in his hand, as though arguing before the Court, and the Judge at the same time looking out the Calvert street window, after some minutes, he returned to the bench and adjourned the Court between the direct and cross-examination of a witness ; the prisoner's counsel protested in vain ; the Judge walked from the bench without making any response. I cannot now recall any further cases of such conduct, but can say without the fear of successful contradiction, that often he acts in a similar manner, and at times the lobby laugh at him without any effort to suppress their merriment, and without receiving any rebuke from him. I would have much more difficulty in citing a single instance in which he has presided with true dignity, than in recalling many in which the proceedings before him partook of the character of the lowest comedy. No witness can portray the real condition of things in that Court—they must be seen and studied to be appreciated.

INTERROGATORIES ON THE PART OF THE RESPONDANTS TO WITNESSES

1st. Do you reside in the city of Baltimore, and what is your occupation?

2d. Are you acquainted with Henry Stump, Judge of the Criminal Court of Baltimore city, and have you knowledge of the conduct of said Judge in his official character?

The evidences of witnesses examined by the Joint Committee on the part of Henry S. Stump, Judge of the Criminal Court for Baltimore city, February 14th, 1860.

John S. Pontier sworn.

John S. Pontier, a witness on the part of said Stump, being duly sworn, deposeth and saith as follows:

To the 1st interrogatory. I do, and I have been Deputy Sheriff under Mr. Creamer for the last two years.

To the 2d interrogatory. I do not know that Judge Stump is in the habit of using intoxicating drinks while in the discharge of his duty on the bench, I have never seen him intoxicated on the bench, I have not known him to adjourn for that purpose. I have known him to adjourn the Court for 15 or 20 minutes, but I do not know whether it was for that purpose or not, I have known him to adjourn at the request of the Jurors. I have never known him to be vulgar and undignified on the bench.

To the 3d interrogatory. He never gave me any instructions upon the subject.

I have known bawdy house keepers to be indicted at every term of the Court in the year. Mary White was fined three times for the year 1858, as appears by the receipts here produced. She paid two of them in full and ten dollars on the other.

This money was paid by me to the Sheriff's book keeper.

These cases were not tried in Court, the fines were fixed in the Sheriff's office and the parties paid them without trial.

To the 4th interrogatory. I never informed him of any Juror being drunk.

I saw a Juror drunk once and informed the Sheriff of it, but don't know that it was brought to the knowledge of the Court.

To the 5th interrogatory. I have no knowledge of any instructions to the Sheriff to settle liquor cases out of Court.

To the 6th interrogatory. I have known parties of a general bad character to be received as bail, but they justified and swore that they had property enough to cover the amount of bail. I do not know that the State's Attorney protested against the Court receiving John Hinesly as bail. But Hinesly has been received as bail for one thousand dollars and at the same time he swore he was worth three times as much. I consider Hinesly worth eight or ten thousand dollars.

I was the Deputy Sheriff for the Superior Court and not for the Criminal Court, although I was frequently in the Criminal Court and served process from it.

Daniel H. McPhail sworn.

Daniel H. McPhail a witness produced and sworn on the part of Judge Stump.

To the 1st interrogatory. I reside in Baltimore city and have resided there for ten years.

To the 2d interrogatory. I have filed my written answer which is here filed by the Committee, marked D. H. McPhail. Witness says this was written by him this morning and has never been seen by Judge Stump.

I have known Judge Stump for near about twenty years; I have never seen him intoxicated more than twice in my life, never on the bench whilst in the discharge of his duties; I have been present on several occasions—once as a juror, serving some sixteen days; this is about five years since; since that period I have been in Court frequently, once or twice as a witness and at others as a spectator, in none of these instances has the Judge, in my judgment been ever under the influence of intoxicating drinks; some persons at some of these times have supposed him so, but I was perfectly satisfied of their error from the fact that they did not know him well. The Judge's natural appearance, as well as the negligent manner of his appearing in public, together with his manner of address (natural) would incline some strict professors of temperance to draw an unfavorable conclusion as to the Judge's

habits. I have, however, seen things which I thought militated against him as a Judge; they consisted is his not exacting from counsel the respect due him on the bench, and which fact they appeared, in most cases, to take advantage of. I recollect one case when I was a juror, I thought the Judge ought to have taken signal notice of. The case to which I make allusion was when the State's Attorney, and the counsel for a prisoner were near coming to blows in open Court; both of them on the following day made an apology, yet I thought they both ought to have been committed the day previous, and that it would have produced a good result as to the reputation of the Court and relieved him of much subsequent trouble, including that he now is involved in.

D. H. McPHAIL.

Elias Ellicott sworn.

Elias Ellicott a witness on the part of Judge Stump being duly affirmed, filed the paper marked Elias Ellicott, as his answer to the interrogatories.

I was acting on the jury in the May term of the Criminal Court of Baltimore city, 1859, and served in that capacity for about six weeks, Judge Stump throughout the whole time presided with dignity, and I think with ability.

He was not intoxicated, and I am certain not under the influence of liquor when presiding in court throughout the whole term.

He was in the habit of entering into conversation with some of our jury as he came in and went out, which would have given us an opportunity of knowing whether he was under the influence of ardent spirits or not.

Through the whole term he appeared to be anxious to expedite the business of the Court; the delay in not having the cases tried was often owing to the witnesses not being in attendance.

ELIAS ELLICOTT.

Joshua M. Myers sworn.

Joshua M. Myers a witness produced and sworn on the part of Judge Stump, filed the paper marked Joshua M. Myers, as his answer to the interrogatories.

In reference to the charge of Judge Stump having said to two German women, to go home and if they ever came back again, that he would put them in Jail where they could not whore.

I have a recollection of this case. Two women had a quarrel and were brought in the Court charged with assaulting each other, in the evidence that came out it appeared that one had accused the other with being a whore, it being a trifling case and no assault having been committed, the Judge said to me as Interpreter of the Court, tell them to go home and if ever they come back again I will put them in Jail where they cannot *fight.*

In reference to his being drunk on the bench, so far as my observation has went in my official capacity as Interpreter of the Court, I cannot say that I have ever discovered him under the influence of liquor while presiding over the Criminal Court.

JOSHUA M. MYERS,
Interpreter of Baltimore Criminal Court.

Asberry Bond Jarrett sworn.

Asberry Bond Jarrett a witness produced on the part of Judge Stump, filed the paper marked A. B. Jarrett, as his answer to the interrogatories.

I was in Court during the trial of the case, was a cross-action, it was in evidence that the parties had called each other whores. The Judge in discharging the parties remarked that persons who followed that business should keep quiet and not fight, and if they were caught fighting again he would put them where they could not fight any more, did not hear the Judge say that he would put them where they could not whore. I was setting on the steps leading to the Judge's desk at the time and heard all that was said. I have never known the Judge to be drunk on the bench. Am now one of the Petit Jury in the Criminal Court.

A. BOND JARRETT.

Michael S. Norman sworn.

Michael S. Norman a witness produced by Judge Stump, being duly sworn, filed the paper marked Michael S. Norman, as his answer to the inrerrogatories.

Was foreman of the Grand Jury of the Criminal Court for consecutive years, never saw him drunk on the bench, never saw him intoxicated but once, that was on Christmas vacation. During one term the impartiality and ability displayed by the Judge was such as to cause the Jury to unite in the expression of their appreciation of his conduct in their report at the time of their adjournment. The report was signed by all the Jurors present at the term. Mr. Pinkney, Deputy State's Attorney, has said to me that he considered him a smart lawyer. That he is altogether incompatible, cannot I think be doubted.

M. S. NORMAN.

Annapolis, February 14, 1860.

John E. Evans sworn.

John E. Evans a witness produced on the part of Judge Stump, being duly sworn says as follows:

To the 1st interrogatory. I reside in Baltimore city and am the reporter of the Patriot newspaper.

To the 2d interrogatory. I have not been acquainted with him personally for some time, but have known him officially for eighteen or twenty months. I have been in his Court frequently during the trial of cases, and have always seen him conduct himself in a manner which his position demanded and in accordance with dignity, and have heard him make many ludicrous remarks which caused merriment, but which was checked by himself or the bailiffs, but I never heard any obscene remarks from him.

Columbus W. Windsor sworn.

1st interrogatory. Says he does, and is deputy sheriff.

2d interrogatory. I am, and have been for the last four years past; I was deputy sheriff for two years in his Court, and saw

him daily for that time whilst in Court; the two remaining years of the term I was occasionally in Court; I have never knew him to be drunk whilst on the bench; he was dignified and courteous as a Judge.

Dr. E. S. Thomas sworn.

1st. I do, and I am the physician of the city jail.

2d. I am. I have been almost daily in contact with Judge Stump during the session of his Court, caused from the fact of my having almost daily intercourse with him—from the fact of my being physician to the jail; I have never during that intercourse seen conduct upon the part of the Judge whilst upon the bench either indecorous or undignified; never saw him intoxicated on the bench, although my attention has been called frequently to observe his conduct, whether drunk or not; I have never heard vulgar language used by the Judge in Court.

Joseph W. Sadler sworn.

1st. I do. I am bailiff in the Criminal Court.

2d. I am. Have been a bailiff in the Criminal Court for nearly three years, and have opportunity of seeing him almost daily for that time; never saw him drunk during that time, off or on the bench; never heard him use vulgar or profane language during that time; have seen two of the jurors drunk, the Judge being notified of the fact, told me not to let the jurors have any more liquor, and to come in sober the next morning, I having charge of that particular jury; his conduct as a Judge is dignified and courteous on the bench.

Thomas C. James sworn.

1st. I do. I am Warden of Baltimore city jail.

2d. I am; have seen the Judge frequently; never saw him drunk whilst on the bench; believe the Judge to be a dignified, courteous and upright Judge; never heard him use vulgar or profane language.

William Alexander sworn.

1st. I do. I am a member of the Baltimore bar.

2d. I am; have been acquainted with Judge Stump, socially and officially, ever since he has occupied the bench of the Criminal Court, and socially some years previous to that time, perhaps for twenty years altogether; have a knowledge of his official conduct; never saw the Judge drunk upon the bench; never heard him use vulgar, obscene or unbecoming language, either on or off the bench, indeed, I may say that in all my intercourse with him, officially or socially, his language has been chaste in a marked degree; I have seen him occasionally on the bench incensed when vulgar language was used at the bar.

William H. Davis sworn.

1st. I do. My occupation is deputy sheriff under G. H. Dutton.

2d. I am; have been for four or five years past; have been a constable, and had frequent business with the Criminal Court; never saw anything unbecoming in him as a Judge; never saw him drunk, nor heard him use vulgar or profane language, either on or off the bench.

Thomas C. Elliott sworn.

1st. I do. Occupation, general huckster.

2d. I am. I have known the Judge for three or four years; have been on the jury, and often about the Court; never saw him drunk or the least disguised with liquor; never heard him make use of vulgar or profane language; have heard him speak roughly to the lawyers when occasion required it; his conduct on the bench is dignified and courteous.

W. A. Glanville sworn.

1st. I do. Occupation, student at law.

2d. I am; have been in the Criminal Court nearly every day for some years; never saw the Judge drunk on the bench; never heard him use vulgar language on the bench; have heard him reprove some members of the bar for using such language; sometimes petulent and sometimes otherwise, why he was so I cannot tell; his conduct as a Judge is dignified, courteous and upright on the bench.

George W. Westwood sworn.

1st. I do. Occupation, clerk.

2d. I am; have been special deputy sheriff under Sheriffs Hays, Hines and Gaskins for six years; during that time, have observed the conduct of the Judge; appeared always to conduct himself in a dignified manner on the bench; I never in any instance seen him depart from it, either by the use of unchaste language or in any manner under the influence of liquor; for the last two years, being at leisure, I have been in daily attendance in the Criminal Court, and never saw the Judge under the influence of liquor or undignified whilst on the bench.

Robert M. Bean sworn.

1st. I do. Occupation, inspector of liquors.

2d. I am; have known the Judge for fifteen years; have been a regular juror on several terms; never saw Judge Stump drunk on the bench; always looked upon him as a plain, honest and upright Judge; never heard the Judge use vulgar language on the bench.

John G. Wilmot sworn.

1st. I do. Occupation, Crier of the Superior Court and member of the bar.

2d. I am; have been acquainted with the Judge for twenty years; never saw the Judge intoxicated on the bench; have always considered him honest, upright and dignified; have had opportunity to observe his conduct almost daily for the last four years; never heard him use indecent or profane language on the bench.

George W. Sheffield sworn.

1st. I do. Occupation, shipwright.

2d. I am; have frequently attended the Criminal Court; have never seen him drunk, nor use profane or vulgar language; always considered him a dignified Judge.

William H. Stewart sworn.

1st. I do. Occupation, wharfinger.

2d. I am; have been acquainted with the Judge for ten

years or more; have been repeatedly in Court, and always looked upon him to be a dignificd and humane Judge; never saw him drunk on the bench; never heard him use indecent language, either on or off the bench.

Samuel I. Houston sworn.

1st. I do. Occupation, book keeper.

2d. I am; have been acquainted with the Judge for eight or nine years; frequently been in the Criminal Court on business, and as a witness for the last two or three years; never saw anything unbecoming or undignified in him as a Judge; never heard him use vulgar or indecent language, either on or off the bench; never saw him under the influence of liquor whilst on the bench.

Jonathan H. Ellicott affirmed.

1st. I do. Occupation, commission agent.

2d. I am; have been acquainted with the Judge for more than thirty years; have been juror in the Criminal Court for forty-eight days; have been frequently in his Court before and since that time; his conduct was always dignified and becoming as a Judge; never saw him intoxicated or anything like it whilst on the bench; considered him on able and faithful public functionary; never heard him use profane or indecent language on the bench.

Thomas Pindell sworn.

1st. I do. Occupation, wood agent for the works on Canton.

2d. I am ; have known Judge Stump by sight eight years; four years ago this winter I was summoned as a regular juror for the Criminal Court ; went into the Court with some prejudices against the Judge, being thus prejudiced, I scrutinized his conduct, and before my twenty-one days was up my mind was changed in his favor, came to the conclusion that he was a well-read, clear-headed lawyer, strictly honest in all his decisions ; have had no connection with the Court since that time, until the present winter, with the exception of being an occasional spectator ; am now in the same Court as a regular juror, and still find him the same Judge ; have seen Judge Stump frequently, and never saw him drunk, nor heard him use vulgar or profane language in my life ; his general conduct has been kind and courteous.

State of Maryland, City of Baltimore, sct:

I hereby certify that on this fifteenth day of February, one thousand eight hundred and sixty, before the subscriber, a Justice of the Peace of the State of Maryland, in and for the city of Baltimore, personally appeared Joseph F. Creamer and made oath on the Holy Evangelest of Almighty God, that he was the clerk of the late Sheriff, Thomas Creamer, and that during the January term of the Criminal Court, 1858, Mary White was indicted by the grand jury for keeping a bawdy house, upon which indictment the said Mary White paid a fine of $15, and costs $8 24—total $23 24; also, that the grand jury for the September term, 1858, of said Court, found an indictment against the said Mary White for keeping a riotous and disorderly house, upon which indictment the said Mary White paid a fine of $20 and costs $8 24, making a total of $28 24, and that these were the only indictments made by the grand jury against the said Mary White, and further that no other charge was made against the said Mary White during the September term of 1858, of said Court, as will be seen by the books and dockets of the Criminal Court.

DANIEL E. MYERS.

State of Maryland, City of Baltimore, Sct:

I hereby certify that on this fifteenth day of February, one

thousand, eight hundred and sixty, before the subscriber, a Justice of the Peace of the State of Maryland, in and for the city of Baltimore, personally appeared John J. Danneker, and made oath on the Holy Evangelist of Almighty God, that he was a Deputy under the late Sheriff, Thos. Creamer, and that in cases where the same party or parties were indicted more than once, during the same year, for keeping bawdy houses or for violating the Sunday liquor law, it was the practice of collecting a fine and costs for the first offence, and, in all subsequent cases, of collecting the costs, without any fine; and that the same practice was in use during the time Sam'l. S. Gaskins was Sheriff, under whom he also acted as deputy.

JNO. J. DANNEKER.

Sworn and subscribed before me.

WM. H. HAYWARD, J. P.

The subscriber was also a Deputy under the said Gaskins and Creamer, and will testify to the correctness of the above, and make oath to the same.

L. R. WOOLLEN.

Sworn and subscribed before me.

WM. H. HAYWARD, J. P.

Before Joint Committee of Senate and House of Delegates, upon the matter of the Petitions for the removal of the Hon. Henry Stump, Judge of the Criminal Court of Baltimore City.

On this 21st day of February, in the year 1860, appeared Samuel Hindes, of Baltimore city, a witness produced on the part of Judge Stump, who, being first duly sworn, deposes as follows:

I reside in the city of Baltimore. I am conducting the business of a hatter in Baltimore. I was formerly Sheriff of Baltimore city; I entered upon the duties of said office in the latter part of November, 1853, and my office expired in the latter part of November, 1855. I know Judge Stump, and had opportunities, while I was Sheriff, of noticing his official conduct as Judge. I saw no improprieties on the part of the Judge, during my term of office, excepting the want of dignity, which I thought requisite for his position. I never saw

him intoxicated on the bench or off the bench, during my term of office. I never heard him use any vulgar language on the bench. I was elected, in 1853, by the temperance party, or on the temperance ticket, being nominated as their candidate for Sheriff. For this reason, I had an especial feeling for the enforcement of the laws against the sale of liquor on Sunday. I went into office rather prejudiced against Judge Stump, but was agreeably disappointed when I found that he endeavored to enforce, as far as he could, the observance of the laws against the Sunday traffic in liquor. He certainly did do all in his power, as Judge, to have parties convicted and punished who had violated these laws; I mean so far as the evidence would justify a conviction.

In regard to prosecutions for violation of the Sunday law, (or against the sale of liquor on the Sabbath), cases sometimes occurred when the same party at the same term had found against him several indictments. In such cases the practice was to fine the party, in one case, and enter a *stet* in the other cases, the defendants paying the costs in all the cases. I was informed that such had been the practice of the Court, and that the object was not to oppress and ruin parties by multiplied fines, but to secure an observance of the law. I was told by the State's Attorney, Mr. Gwinn, and by his deputy, Mr. Pinckney, to exact the fines in the one case, and to warn the parties that, if they again offended, the *stets* would be struck out in the other cases, and they put upon trial on all of them. This I did, and such was the general practice in the liquor cases during my term.

In regard to the bawdy house cases, the practice was for the Grand Jury, at each May term, to indict all such houses. I do not know who fixed the amount of fines, where convictions were had under these indictments; but I know that I, as Sheriff, collected the fines. At other terms, sometimes some of these houses were again indicted, and fines imposed; but the general rule was to indict all of them at May Term. I never consulted the Judge about my mode of collecting the fines; but Mr. Moore, the Clerk, told me that it was no use to put the parties in jail for the fines, as (as he, Moore, said) the Judge would release them. I collected the fines with very few exceptions, and without putting the defendants in jail. The Judge never gave me any instruction as to the mode of enforcing payment of these fines.

SAMUEL HINDES.

On this 21st of February, 1860, personally appeared T. Joseph Rogers, Esq., who, having been first duly sworn, deposed as follow:

I reside in Baltimore city; and I am an attorney-at-law. I know Judge Stump, and have been a practitioner in his Court for nearly two years last past. I have been in Court nearly every day, during its sessions, for the last two years. During that time I never saw Judge Stump drunk upon the bench; nor have I ever heard him use on the bench any vulgar, unchaste or indecorous language; nor have I ever heard him use such language even off the bench. It appears to me that his bearing on the bench was courteous and humane, so far as consistent with the legal discharge of his duties as Judge; and off the bench, and in private life, the Judge was always extremely courteous and gentlemanly. I had an opportunity of knowing the frequency of ex-Sheriff Thomas Creamer's visits to the Court room of Judge Stump. During the whole two years of Mr. Creamer's term, ending about December 1st, 1859, I never saw said Creamer in Judge Stump's Court room more than three or four times, and on the three first occasions for not more than five minutes at a time. On the last occasion when he was there, he was there longer than five minutes, and then Judge Stump was not only sober, but becomingly judicial in all his conduct. I will also say that John P. Poe, Esq., who testified against Judge Stump, never, for the last two years, or even for his whole life, to my knowledge, tried a case in Judge Stump's court; and, to the best of my knowledge, said Poe never was during that time in said Court more than three or four times, and then only for a few minutes at a time, and on each of these times the Judge was certainly sober. As to Mr. Ritchie, who testified against Judge Stump, to the best of my knowledge, said Ritchie never tried a case in Judge Stump's Court; but he has a robbery case there now, in which he was appointed counsel by the Judge, in conjunction with Mr. Renshaw. On all the occasions on which I have seen Ritchie in Court, the Judge was not only sober, but becomingly judicial.

I have never seen Judge Stump, from any cause whatever, incapacitated for the proper discharge of his official duties. The business of his Court is excessively onerous, and whatever check it meets in its progress, or whatever of delay there is in its despatch, is mainly attributable to others, and not to the Judge. I have repeatedly heard the Judge ask the State's Attorney if there was any more business before the Court, and the Judge seemed anxious to go on with the business; but owing to the State's Attorney, or the defendant's counsel, not being ready for trial, the cases could not be tried.

Whatever of evil report this Court may be in, I consider it chiefly the fault of others than of the Judge.

T. JOSEPH ROGERS.

INTERROGATORIES.

1st. Do you reside in the city of Baltimore, and what is your occupation?

2d. Are you acquainted with Judge Henry Stump, of the Criminal Court of Baltimore, and have you any knowledge of his conduct in his official character. State all the particulars.

Richard Lilly sworn.

1st. I do. Occupation saddler.

2d. I am. Have known him many years, served on the Grand Jury many times, so far as my connection with the Court is concerned I never saw anything unbecoming a Judge, never in his life saw Judge Stump drunk on the bench or in the Court House, never heard him use obscene or improper language either on or off the bench, during an acquaintance of twenty-five years, so far as my observation goes as a Grand Juror. I never saw anything unbecoming or improper as a Judge.

William H. Jenkins sworn.

1st. I do. Occupation not particular at this time.

2d. I am. I have known Judge Stump for fifteen years and intimately for the past ten years, have frequently served as a Juror in the last seven years, have served five or six times, never saw him drunk on the bench or approaching to it, never heard him use obscene or vulgar language on or off the bench, his conduct on the bench was dignified and upright.

George W. P. Smith sworn.

To the 1st interrogatory this witness answereth, I reside in Worcester county on the Eastern Shore of Maryland.

To the 2d, I am, and visit the city of Baltimore frequently and always whilst in the city visited the Criminal Court, and particularly whilst I was the prosecuting attorney for Worcester county, never saw him drunk on any occasion, although I board at the same hotel when in the city. My observation of the Judge was that he was fully competant to fill the position he occupied, or I should not have gone into his Court for the purpose of learning the criminal law, not loving particularly to read the books on the subject, never heard him in a single instance use obscene or vulgar language on or off the bench.

Robert McAllister sworn.

1st. I do. Am an Attorney at Law.

2d. I am. Have practiced in the Criminal Court since November 1857.

I have never seen Judge Stump on the bench incompetent to discharge his duties, never heard him use obscene or vulgar language on or off the bench, never heard him swear in my life, never knew him to adjourn the Court to drink, the adjournments of the Court have always been made at the request of the Jury or Counsel, and in compliance with their request I have known the Judge to adjourn for 15 minutes.

In my opinion (as a lawyer) the Judge has shown capacity and fitness for the duties of his office. The capacity of Judge Stump as a lawyer would be admitted generally by the Bar.

William Chestnut sworn.

1st. I do. Occupation grocer.

2d. I am. Have been acquainted with Judge Stump for twenty-five years, have been on the Grand Jury twice during this term, never thought him incompetent to discharge his duties from the use of liquor, never heard him use obscene or vulgar language on the bench.

Extract from proceedings of a meeting of Petit Jurors held July 10, 1856.

Resolved, That the undersigned petit jurors are highly gratified at the dignified course pursued by his Honor Judge Stump in his decisions upon the various cases that were before Court.

Signed by

Horatio Hollingsworth,
Richard Barroll,
Charles W. Murray,
John Robinson,
F. F. Ijams,
Thomas B. Burch,
John Roles,
John M. Johnson,
T. H. Sorrell,
Heron C. Murray,
John Young,
J. T. Emmert,
William N. Brice,
James N. Muir,
Elisha J. Marriott,
Thomas J. Graham,
J. H. Byers,
Samuel Hanway,
Thomas Watkins, of Nick.,
Joseph B. Escaville,
Robert Wilson,
T. C. Dunlevy,
William E. Pancorst.

Criminal Court of Baltimore city, January Term, 1860.

I certify that the above is a true copy extracted from original filed in this Court, May term, 1856.

THOMAS H. GARDNER,
Clerk.

Extract from Report of Committee of the Grand Jury for September Term, 1856.

The duties of the grand jury and their protracted attendance have necessarily brought under their careful observation the administration of justice in this Court and the character and conduct of its presiding officer; and they should deem themselves guilty of injustice if they did not return their thanks to the Judge for the assistance which he has given to them in the discharge of their official positions and express their satisfac-

tion at the great impartiality, the integrity and ability with which he has conducted the business of the Court.

Signed,

M. S. Norman, Foreman,	Wm. Young,
John King,	George Wagner,
James Frazier,	Hugh De Valin,
Thomas Murphy,	C. D. Slingluff,
Abner Webb,	Wm. Spear,
Adam Denmead,	C. D. Shaeffer,
Wm. Hooper,	George E. Sangston.

Criminal Court of Baltimore city, January Term, 1860.

I certify that the above is a true extract from report of the Grand Jury filed in this Court, September term, 1856.

THOMAS H. GARDNER,
Clerk.

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